

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GRACE LAWRENCE

Plaintiff,

v.

C.A. NO: 02-CV-4440

TRANS UNION LLC
CITY OF PHILADELPHIA

Defendant.

**DEFENDANT'S UNOPPOSED EMERGENCY
MOTION TO CONTINUE TRIAL**

Trans Union LLC, by and through its undersigned attorneys, files the instant motion and Declaration in support of its request to continue trial and states as follows:

1. Last week, counsel for Trans Union was informed that Eileen Little, Consumer Relations Group Manager and corporate representative for trial purposes, was seriously ill and is taking a medical leave until at least March 1, 2004 at which time her condition and ability to return to work will be re-evaluated. (See Exhibit "A" hereto, Declaration of Bruce S. Luckman, Esq., and Exhibit "B" hereto letter from, Nicholas A. Busillo, M.D.) As such, Ms. Little is not (and has not been) available to prepare for or attend the trial of this action and will likely not be available until in or about April 2004. For the following reasons, Trans Union respectfully requests that the trial be continued.

2. Ms. Little has been an employee of Trans Union for over twenty five years and for the last twelve has acted as liaison with undersigned counsel for litigation purposes.

3. Moreover, her testimony in this particular action is crucial in connection with consumer disclosures, dispute reinvestigation procedures and, generally, a knowledge of Trans

Union's business and FCRA compliance practices and procedures.

4. As such, Ms. Little is crucial Trans Union's defenses and explanation of the parts of FCRA compliance processes challenged by plaintiff's claims.

5. James Francis, trial counsel for plaintiff, deposed Ms. Little. Ms. Little is identified on the witness list of plaintiff and defendant. Plaintiff has (or no doubt will) serve a subpoena to require Ms. Little to appear at trial.

6. Trans Union will be prejudiced if it has to conduct the trial of this action without Ms. Little because there is no other witness familiar with the relevant procedures and the facts and circumstances of this action who can testify. Further, if Ms. Little is not available, Trans Union will be prejudiced because plaintiff may use the Little deposition at trial and Trans Union will not be in a position to call Ms. Little to explain or support the understandably one sided cross examination of a non-trial deposition.

7. Because of Ms. Little's illness, she has not been available to prepare with counsel or to assist in preparing a substitute witness.

8. Trans Union respectfully requests that the trial of this action be continued for sixty (60) days.

9. Mr. Francis does object to the instant request for a continuance of the trial.

10. If the Court is inclined to adjourn the trial, Trans Union and its counsel remain available for a settlement conference, or for other purposes determined by the Court which can serve judicial economy.

11. This request is made in good faith and solely for the purpose of allowing Ms. Little to treat her illness and fully recover and not for purposes of delay. Undersigned counsel will

promptly notify the Court and plaintiff is there is a material change in Ms. Little's expected return to full duty.

12. The sought adjournment will not prejudice any party.

Wherefore, defendant respectfully submits that Trans Union LLC's unopposed motion should be granted.

Respectfully Submitted,

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